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International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fifth periodic report of Jordan*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide information on the practical application of the provisions of the Covenant in the domestic legal system, including examples of cases in which national courts have referred to those provisions. Given that sharia applies to all Jordanian nationals, irrespective of their religion, please provide information as to whether the State party is considering elaborating an optional civil personal status law.

2. With reference to the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 5) and evaluation of its implementation (see CCPR/C/113/2, p. 2), please provide detailed information on the budget allocated for the National Centre for Human Rights since the issuance of the previous report and the number of staff currently working in the Centre and indicate whether that is sufficient to carry out the Centre's functions. Please also indicate how the State party ensures the effective implementation of the recommendations of the Centre.

Non-discrimination and equality between men and women (arts. 2-3, 23-24 and 26)

3. Please indicate whether steps have been taken or are being taken to adopt comprehensive anti-discrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct and indirect discrimination and multiple forms of discrimination; contains a comprehensive list of prohibited grounds for discrimination, including sex, sexual orientation and gender identity; and provides for effective remedies in judicial and administrative proceedings. In that regard, please provide information on the outcome and impact of the National Strategy for Women 2013-2017 and the national plan for the promotion of women's political and economic participation 2012-2013.

4. With reference to the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 7) and the new Personal Status Act, please indicate all measures taken to guarantee equality between men and women, in particular: (a) to address discriminatory traditions and customs, including polygamy and early marriage; (b) to grant all Jordanian women the right to transmit their nationality to their children; (c) to ensure that women are not subjected to discrimination in matters of family rights under sharia law, such as inheritance, grounds for divorce, the iddat practice and custody of children, in particular for non-Muslim women. Please explain whether the State party is considering

* Adopted by the Committee at its 119th session (6-29 March 2017).

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addressing the issue of absence of women judges in the sharia courts. Please explain whether women have freedom of movement and are free to work and explain the reasons for restrictions, if any, on those freedoms.

Violence against women, including domestic violence (arts. 2-3, 7 and 26)

5. Please provide information on measures taken to address effectively the prevalence of violence against women, including domestic and sexual violence, and progress achieved, and report on the status of the adoption of the draft law on protection against domestic violence. Please also provide information on the number of cases of such violence that were reported and investigated and that resulted in a conviction, as well as on the sanctions imposed on the perpetrators and remedies provided to the victims. Please indicate whether measures have been taken to criminalize marital rape. Please provide information on measures taken to respond to previous concerns with regard to article 308 of the penal code, which allows for the impunity of a rapist who marries the victim. Please also provide information on initiatives to repeal or amend the provision.

6. In reference to the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 8), please provide information on measures taken to end the practice of placing women victims of violence or at risk of violence or "honour" killing in "protective custody", which is comparable to detention, and measures taken to set up appropriate and sufficient shelters for the protection of such women. Please indicate steps taken to ensure that women victims of domestic violence placed in family protection homes are afforded adequate and effective protection and that they are free to refer cases of domestic violence to the police and judicial authorities.

7. Please provide information on measures taken to eradicate and prevent the so-called practice of "honour" crimes against women and girls and indicate measures taken to ensure that all reported cases of such killings are promptly and thoroughly investigated and that the perpetrators are prosecuted and punished with sanctions commensurate with the gravity of the crime. In this regard, please indicate whether the State party envisages withdrawing the mitigating circumstances applied to so-called "honour" crimes.

Counter-terrorism measures (arts. 4 and 9)

8. In the light of the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 6), please indicate how the 2014 amendments to the Prevention of Terrorism Act make the definition of terrorism and terrorist acts compatible with the provisions of the Covenant. In that regard, please indicate measures taken to ensure that the Act, which defines terrorism to include forms of terrorism involving the use of modern telecommunications and social media, is not misused by law enforcement officials.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and the right to an effective remedy (arts. 2 and 6-7)

9. Please provide detailed information on the laws applicable to the use of force by law enforcement officials, the limitations that the laws impose on such use of force, and any special protection from accountability that law enforcement officials enjoy in the event that they are accused of having used excessive force. In the light of the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 9), please report on measures taken to address: (a) the allegations of widespread torture and ill-treatment of suspects by security and law enforcement officials in detention facilities, especially those run by the General Intelligence Directorate; (b) the lack of independence and impartiality on the part of the existing complaint mechanisms, including the Office for Transparency and Human Rights; (c) the limited independence of the Police Court and the Intelligence Court from the public security authorities; (d) the use of confessions extracted through torture and other ill-

treatment as evidence in courts, especially in the State Security Court. Please provide updated data on the number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated, the number of actual criminal convictions, the sentences imposed and the nature and amount of the reparation granted to victims.

10. With reference to the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 10), please indicate whether non-governmental organizations have access to places of detention and, if so, indicate the number of visits carried out during the reporting period. Please also indicate whether the National Centre for Human Rights was able to make unannounced visits to detention facilities run by the General Intelligence Directorate and provide information on measures taken to follow up on visit reports and to implement the recommendations formulated by the Centre. Please also indicate whether the State party envisages acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Voluntary termination of pregnancy (arts. 3, 6-7, 17 and 26)

11. Please provide information on the legislative framework related to the voluntary termination of pregnancy and clarify whether abortion is criminalized and, if so, provide information on the sanctions that can be imposed on those performing or requesting illegal abortions. Please provide statistics on maternal mortality as a result of clandestine abortion.

Migrant domestic workers (arts. 2, 8 and 26)

12. Please indicate measures taken to address abuses against migrant workers, in particular women domestic workers, such as forcibly confining them within the home, confiscating their passport, not paying them or paying them insufficiently, and abusing them physically, sexually and psychologically. In that regard, indicate whether shelters have been set up for non-Jordanian domestic workers who left their employment.

Treatment of aliens, including refugees and asylum seekers (arts. 2, 7, 9-10, 13 and 26)

13. In the light of the situation of the asylum seekers fleeing the conflict in the Syrian Arab Republic currently stranded at the Syrian border with the State party, in the so-called berm area, please provide detailed and updated information on: (a) whether the State party envisages reviewing its asylum policy in order to accept the asylum seekers currently stranded at the border who have been denied the right to enter the State party's territory; (b) whether the State party is considering reopening the area to humanitarian organizations and the Office of the United Nations High Commissioner for Refugees, given the gravity of the humanitarian situation; (c) measures taken to address the seriousness of the situation regarding the living conditions in the two informal border camps of Rukban and Hadalat, in particular concerning: (i) access to safe drinking water and sanitation; (ii) access to medical care in the light of increased reports of childbirth-related deaths and cases of hepatitis leading to child deaths in Rukban; (iii) adequate and sufficient supply of food for all asylum seekers living in those camps. Please indicate measures taken to adopt a national legal framework on asylum and whether the State party envisages ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

14. Please comment on the official position of the Jordanian authorities, since January 2013, consisting of the systematic denial of entry to Palestinian asylum-seeking families fleeing the Syrian Arab Republic and on reports of cases of dozens of Palestinian families deported back to the Syrian Arab Republic. Please indicate the measures taken to ensure that Palestine refugee children who have fled the conflict are registered immediately after birth and are able to access other civil documentation regardless of their status. Please also indicate whether the State party is considering reviewing its policy in order to accord all asylum seekers the right to be protected while determining their status, without

discrimination. Please indicate measures taken to ensure strict compliance with the principle of non-refoulement in practice, by ensuring procedural safeguards against refoulement and effective remedies, including the review of adverse decisions by an independent judicial body.

15. Please comment on reports of arbitrary revocation of citizenship from Jordanians of Palestinian origin. Please elaborate on the procedure for such revocation and indicate how the State party ensures that the decision is taken by a competent authority and meets relevant international criteria, including the right of persons concerned to be heard and to appeal against such decisions. Indicate how the State party addresses the risk of statelessness in such cases. Please also indicate whether measures have been taken to restore nationality to persons who have been affected in cases in which international criteria were not met. Please provide updated data on the number of cases in which Jordanian citizenship was revoked and the reasons for such revocation.

Liberty and security of persons and humane treatment of persons deprived of their liberty (arts. 7 and 9-10)

16. Please provide information on measures taken to ensure that all detainees are afforded, by law and in practice, all fundamental safeguards from the very outset of the deprivation of their liberty, in particular measures taken to ensure that all persons deprived of their liberty have prompt access to a lawyer, even at the earliest stage of their custody. Please indicate the accomplishments in the first two phases of implementation and the stage of implementation of the third phase of the Dignity (Karama) programme. Please provide information on the reported cases of deaths in custody due to torture and ill-treatment and indicate any measures to ensure that perpetrators are prosecuted and the victims compensated.

17. In the light of the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 11) and evaluation of its implementation (see CCPR/C/113/2, p. 3), please provide information on measures taken to amend the Law on Crime Prevention (1954) in order to put an end to the practice of administrative detention. Please provide updated statistics on the application of administrative detention in the past two years and indicate the number of persons currently detained under the procedure.

Right to a fair trial and independence of the judiciary (art. 14)

18. With regard to the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 12), please indicate measures taken to abolish the State Security Court. As the State party indicates in its report that the State Security Court still exists and restricted its jurisdiction to five types of crimes, please address concerns that: (a) the reform of the Anti-Terrorism Law that had broadened the law's scope led to the prosecution of non-violent offences before the Court; and (b) the Court lacks functional independence and transparency.

Freedom of conscience, religion or beliefs (arts. 2, 18 and 26)

19. In the light of the recommendations made by the Committee in 1994 (see CCPR/C/79/Add.35, para. 17) and in 2010 (see CCPR/C/JOR/CO/4, para. 13), please provide detailed information on measures taken to guarantee freedom of religion and eliminate discrimination on religious grounds by law and in practice. In particular, please comment on the Committee's previous concerns that apostasy from Islam will lead to discriminatory practices, such as denial of inheritance, and that the Baha'i faith is not recognized.

Freedom of opinion and expression (art. 19)

20. In connection with the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 14) and the recently amended Press and Publications Bill adopted in 2014 (see CCPR/C/JOR/5, p. 16), please provide information on: (a) measures taken to address concerns that the vague definition of acts of terrorism in the Anti-Terrorism Law (No. 55) is used to arrest journalists and webloggers and prosecute them before the State Security Court, in the absence of procedural guarantees, leading to arbitrary detention and risk of torture; (b) measures taken to ensure that, in practice, journalists, webloggers and other individuals are able to exercise their right to freedom of expression and to express critical views free from harassment, intimidation, arrest and prosecution; (c) the existing restrictions on the press and media activities and explain how those restrictions are compatible with the provisions of article 19, paragraph 3, of the Covenant; (d) the number of cases in which journalists or webloggers have been prosecuted, the reasons for such prosecution and the outcome of the cases; (e) the impact of the Jordan Media Strategy (2011-2015) on the freedom of expression for journalists and bloggers. Please indicate the current stage of the establishment of the media complaints council.

Right of peaceful assembly and freedom of association (arts. 21-22)

21. Please provide information on the implementation of the Public Assemblies Act (2008) as amended in 2011. In this regard, indicate whether administrative governors have prohibited any activities or the holding of events in public places and the reasons for such prohibition. Indicate whether, in practice, the prior approval of the governmental or administrative authorities remains necessary to hold a public meeting or event.

22. In the light of the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 16), please provide information on steps taken to amend the Societies Act with a participatory approach involving all societies and federations and indicate whether the State party envisages withdrawing the restrictions on non-governmental organizations with regard to their establishment and certain aspects of their operation, including the appointment of a State employee to serve as temporary president.

Rights of the child (art. 24)

23. With reference to the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 17), please provide information on measures taken to address child labour by ensuring legal protection for all children, in particular for those who work in family enterprises and agriculture, and by punishing those responsible for child labour with appropriate sentences. In this regard, please indicate steps taken to implement the National Framework to Combat Child Labour.

Participation in public affairs (art. 25)

24. With regard to the Committee's previous recommendation (see CCPR/C/JOR/CO/4, para. 19), please report on measures taken under the national coalition strategy formulated for 2012-2017 to boost women's political participation in electoral bodies in the parliamentary, municipal, union and chamber of commerce and industry elections, and indicate in particular any measures taken to raise awareness of the role of women in decision-making processes and political and public life. In this regard, please provide updated data on the number of women currently holding positions in Parliament and the Cabinet. Indicate whether the State party envisages continuing to increase the minimum quotas for women in Parliament and in municipal councils.

Dissemination of information relating to the Covenant (art. 2)

25. Please indicate whether: (a) the State party has published information on the Covenant, the Committee's previous concluding observations (CCPR/C/JOR/CO/4) and the preparation of the current report of the State party; and (b) representatives of civil society have been involved in the preparation of the State party report.